Chesterfield County
Department of Building Inspection
(804) 748-1057
www.chesterfield.gov/bi

## **WARRANTY and STATUTE OF LIMITATIONS**

Occasionally, a homeowner may think that his/her house may *not* have been built in compliance with the code, or might have other issues with the contractor who built the structure.

State law §19.2-8 Limitation of prosecution:

"Prosecution of Building Code violations...shall commence within one year of discovery of the offense by the owner or by the building official; provided that such discovery occurs within two year of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later."

The person performing the work is responsible for code compliance. The inspectors verify code requirements, but they are not responsible for code violations and/or corrections.

If you believe a building code violation exists in a structure you own or rent, you may request an investigation by an inspector by calling the Citizens Assistance Program. If the inspector determines that a violation exists, and the time limit for enforcing the code has not expired, the Building Official has one year to initiate a Letter of Defect and require the builder to correct the code violation. If the time limit for enforcement has expired, Building Official will document the violation, but cannot take action to enforce the code.

Experience has taught us that in most instances where new homeowners and the contractor disagree about an item needing correction, the item is cosmetic in nature, which means that it usually isn't a building code issue. The County can not address issues outside of code requirements. If, as a new homeowner, you have issues that you believe are building code violations or are unsure, the Department of Building Inspection will gladly investigate the issues and make a determination.